ASSAULTING THE PRESIDENT OF THE
UNITED STATES AND THREATS AGAINST THE
PRESIDENT OF THE UNITED STATES

I. Statute

The United States Congress passed and sent to the President an amendment to Title 18, U. S. Code, (Public Law 89-141) which provided for the application of Federal criminal law in instances of Presidential assassination, kidnaping, and assault. This law was approved by the President of the United States on August 28, 1965, and is specifically embodied in Chapter 84, Section 1751, Title 18, U. S. Code.

Persons designated as coming within the purview of this statute are as follows: The President, the President Elect, the Vice President, or, if there is no Vice President, the officer next in the order of succession to the office of President, the Vice President Elect, or any individual acting as President under the Constitution and laws of the United States.

Specifically, penalties are provided for the following offenses:

1. Killing or Kidnaping the President or Other Designated Person.

Punishment shall be as provided by Sections 1111 and 1112, Title 18, U. S. Code in those instances where the designated individual is killed. Where kidnaping is involved, the penalty is imprisonment for any term of years or for life or, if death resulted to the individual by death or imprisonment for any term of years or for life.

2. Conspiracy to Kill or Kidnap the President or Other Designated Person.

Punishment is provided by imprisonment for any term of years or for life or, if death results to the individual by death or imprisonment, for any term of years or for life.

3. Attempt to Kill or Kidnap the President or Other Designated Person.

Punishment as provided by the statute is imprisonment for any term of years or for life.

Doc #7

A. Responsibility of U. S. Secret Service.

By statute, the Secret Service is charged with the protection of the President and other designated individuals. (Section 3056, Title 18, U. S. Code). In addition, the Secret Service is charged by Statute with the investigation of threats against the President and other designated persons. (Section 871, Title 18, U. S. Code). The Department has indicated since the Statute names the FBI as the agency to investigate violations of Section 1751, Title 18, U. S. Code, the FBI would therefore be responsible under the law to investigate under certain conditions violations over which the Secret Service had previously exercised its jurisdiction. Threats against the President and other designated persons which do not fall within the criteria set forth above would according to the Department continue to be investigated by the Secret Service under Section 871, Title 18, U. S. Code.

VI. Memorandum of Agreement Between the FBI and the Secret Service Regarding the Presidential Assassination Statute (PAS)

The full text of the agreement between the FBI and the Secret Service relating to the PAS is attached as Appendix A.

The above mentioned memorandum of agreement essentially provides that the FBI will provide the Secret Service with any information coming to its attention regarding a potential threat to the security of the President or to other persons and/or places whose protection is the responsibility of the Secret Service. Additionally, the FBI will provide to the Secret Service any information indicating a violation, alleged violation, or conspiracy to violate one or more of the provisions of Title 18 of the U. S. Code which relates to the protective responsibilities of the Secret Service.

Further, when any investigation is instituted relative to the PAS, the FBI will promptly make available to the Secret Service copies of all investigative reports as they are prepared.

The above agreement stipulates that the Secret Service will furnish the FBI with any information that may come to its attention indicating a potential violation of Title 18, Section 1751, U. S. Code (PAS).

VII. Dissemination of Information

In 1966 the following agencies were notified in writing of the jurisdictional responsibilities of the FBI under Title 18, Section 1751, U. S. Code (PAS). These agencies, at

The SAC carries out his responsibilities by directing his assistants and squad supervisors who, in turn, direct the efforts of the investigators.

II. Jurisdiction Over and Medical Examination of the Body of the President of the United States

Attached as Appendix C is the complete text of a Memorandum of Agreement between the FBI and the Armed Forces Institute of Pathology (AFIP) requiring the AFIP to provide medical investigative support to the FBI on a cost-reimbursable basis upon request in the event of the traumatic or unexpected death of the President, Vice President, a member of Congress, or certain other persons designated in Title 18, Section 1751, U. S. Code and Title 18, Section 351, U. S. Code.

The above agreement provides that the AFIP will conduct a forensic autopsy for the FBI upon the body of persons indicated above. It is the responsibility of the FBI to, among other things, secure the release of the body from local custody to AFIP personnel. The geographic limitation of the agreement is identical to the jurisdictional limitations of the FBI.

As stipulated in the agreement, the FBI notified the Secret Service of the existence and the provisions of the agreement in writing by letter dated December 30, 1976.

By letter dated November 25, 1974, the Criminal Division of the Department of Justice rendered the opinion that Title 18, Section 1751 (a), U. S. Code, and the relevant legislative history clearly indicate that the Federal Government may assert exclusive jurisdiction over the body of an assassinated President.

If a local coroner or medical examiner should refuse to relinquish the body of an assassinated President, the Department of Justice would seek the issuance of a Federal search warrant which would authorize the FBI to seize the body as evidence of the commission of a criminal offense. In the alternative, the Department of Justice could assert jurisdiction over such body by filing a civil suit, pursuant to Title 28, Section 1345, U. S. Code, against the state or local officials with custody of the body.

The relief sought by the United States in a civil suit would be an injunction restraining state or local officials from continuing to exercise control over the body and refusing to turn it over to authorized officials of the United States. Since any such matter would undoubtedly be viewed with urgency, along

with the complainant seeking an injunction, an application for a Temporary Restraining Order would also be filed.

[redacted]

4-750 (2-7-79)

XXXXXX
XXXXXX
XXXXXX

FEDERAL BUREAU OF INVESTIGATION
FOIPA DELETED PAGE INFORMATION SHEET

/ Page(s) withheld entirely at this location in the file. One or more of the following statements, where indicated, explain this deletion.

☒ Deleted under exemption(s) (b)(2) with no segregable material available for release to you.

☐ Information pertained only to a third party with no reference to you or the subject of your request.

☐ Information pertained only to a third party. Your name is listed in the title only.

☐ Document(s) originating with the following government agency(ies) _____, was/were forwarded to them for direct response to you.

_____ Page(s) referred for consultation to the following government agency(ies); _____ as the information originated with them. You will be advised of availability upon return of the material to the FBI.

_____ Page(s) withheld for the following reason(s):

☐ For your information: _____

☒ The following number is to be used for reference regarding these pages:
Doc #7 page 11

XXXXXXXXXXXXXXXXXXX
X DELETED PAGE(S) X
X NO DUPLICATION FEE X
X FOR THIS PAGE X
XXXXXXXXXXXXXXXXXXX

XXXXXX
XXXXXX
XXXXXX

FBI/DOJ